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EXAMINER

BURGESS, BARBARA N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,500

Applicant(s)

WILCOCK, LAWRENCE

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5-2-05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to Amendments filed May 2, 2005. Claims 1-21 are presented for further examination. Claim 22 is presented for initial examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Porter (US 6,434,599 B1).

As per claims 1, 17, and 22, Porter discloses a method, service system, and a processor arrangement for establishing communication over a data network between endpoint systems using a service system that can set up a communication session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system, the method comprising:

- Processing a communication request received at the service system on the basis of information associated with the request, said processing including (column 4, lines 51-53, column 8, lines 24-27):
- Identifying, from a pool of current communication sessions, an appropriate session for the communication requested, and where no appropriate session currently exists,

Art Unit: 2157

creating a new appropriate session (column 1, lines 23-35, 65-67, column 2, lines 1-2, column 4, lines 51-53, column 5, lines 1-5, 15-20, column 8, lines 45-50);

- Identifying, from a pool of available parties, a specific party and associated endpoint system to join the session identified or created in step (a) (column 4, lines 34-37, 51-55, column 5, lines 65-67, column 6, lines 1-5, column 7, lines 1-10, 23-27).

As per claims 2, 18, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information input by a party associated with an endpoint system generating the communication request (column 3, lines 19-28, column 4, lines 31-37, 51-58, column 5, lines 45-55, column 8, lines 15-27).

As per claims 3, 19, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information about a topic of interest to the party, the information being derived from the identity or content of information pages served to that party from an information page server (column 1, lines 60-67, column 2, lines 1-10, column 3, lines 20-27, 32-35, column 4, lines 22-28).

As per claims 4, 20, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system and includes an identifier of that party, said information associated with the communication request including information obtained by the service system as a result of accessing a party-profile database using the party identifier (column 4, lines 34-42, 51-55, column 6, lines 23-30).

As per claim 5, Porter discloses a method according to claim 1, wherein a first endpoint system wishing to communicate with a second endpoint system appropriate to a target subject, sends a communication request to the service system with information identifying itself and describing the target subject, the service system carrying out steps (a) and (b) to provide an appropriate communications session and identify an appropriate second endpoint system, the service system inviting the identified first and second endpoint systems into the communication session (column 2, lines 1-2, column 4, lines 51-53, column 5, lines 1-5, 15-20, column 7, lines 1-10, 23-27, column 8, lines 45-50).

As per claim 7, Porter discloses a method according to claim 1, wherein in setting up a communication session, the service system creates a respective service-session functional entity which, when joining an endpoint system to the session, sends connection details of the transport mechanism associated with the communication session to the endpoint system or an associated proxy, said endpoint system or

associated proxy then using the connection details to connect itself to the transport mechanism (column 3, lines 40-47, column 4, lines 14-28).

As per claim 8, Porter discloses a method according to claim 7, wherein the service session functional entity comprises a session instance with generic behavior for adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behavior capable of determining when the session instance is to add and remove endpoint systems (column 5, lines 1-14, column 6, lines 23-35).

As per claim 9, Porter discloses a method according to claim 1, wherein in setting up a communication session, the service session creates a respective service session functional entity that comprises a session instance with generic behavior capable adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behavior capable of determining when the session instance is to add and remove endpoint systems (column 5, lines 1-14, column 6, lines 23-35).

As per claim 10, Porter discloses a method according to claim 1, wherein the transport mechanism associated with a communication session provides multiple data

transfer channels, for different media types, between endpoint systems joined to the communication session (column 8, lines 20-23).

As per claim 11, Porter discloses a method according to claim 10, wherein the endpoint systems include web browser functionality, the service system includes functionality, and the transport mechanism includes channels, for at least two of the following: text chat, follow-me page-push, and packetized voice (column 8, lines 20-23).

As per claim 12, Porter discloses a method according to claim 7, wherein the transport mechanism associated with a communication session includes multiple data transfer channels, for different media types, between endpoint systems joined to the communication session, the connection details passed to an endpoint system, or its proxy, comprising details of the media channels associated with the communication session, and the endpoint system or its proxy using these details to establish corresponding media channel connections to the transport mechanism (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 13, Porter discloses a method according to claim 7, wherein the state of connection of an endpoint system to the transport mechanism is signaled to the session service functional entity by leg messages passed between a leg controller of the endpoint system or its proxy and a corresponding leg controller of the service-

session functional entity (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 14, Porter discloses a method according to claim 7, wherein an endpoint system or its proxy to be joined to a communication session already has connection functionality for joining and participating in a communication session, the service session functional entity of the communication session to which the endpoint system is to be joined inviting this endpoint system into the session by sending said connection details to the connection functionality of the system or its proxy (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 15, Porter discloses a method according to claim 7, wherein the service session functional entity of the communication session to which an endpoint system is to be joined, invites said endpoint system into the session by sending the latter both connection functionality for joining and participating in a communication session and said connection details (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 16, Porter disclose a method according to claim 14, wherein the connection details and functionality are sent in association with a web page served by the service system (column 1, lines 60-67, column 3, lines 20-35, 56-60, column 4, lines 20-28).



***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (US 6,434,599 B1) in view of Cave (US 5,958,014).

As per claims 6, 21, Porter discloses a method and service system according to claims 1 and 17.

Porter does not explicitly disclose wherein the service system is associated with a contact center and the said pool of available parties includes a pool of available customer service representatives.

However, in an analogous art, Cave discloses a system and method for establishing a data connection between a customer and service agent selected from an updated pool of available agents (Abstract, column 2, lines 10-20, column 3, lines 61-67, column 4, lines 4-12).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Cave's service system associated with a contact center and pool of available customer service representatives

in Porter's method and service system in order to connect the user to the next available agent for bi-directional data exchange.

### ***Response to Arguments***

#### **The Office notes the following arguments:**

- (a) Porter does not identify an appropriate session for the communication requested from a pool of current communication sessions and where no appropriate session currently exists, create a new session.
- (b) In contrast to Porter, an appropriate session is identified based on the communication requested by the requesting user.
- (c) Porter also fails to identify a specific party and associated endpoint system to join to the session.

5. Applicant's arguments filed have been fully considered but they are not persuasive.

#### **In response to:**

- (a) Porter teaches the user requesting a chat session by expressing his/her desire to chat with other users. The user initiates by describing the visiting users of interest as well as pre-selected demographic and other interest characteristics of the user. The information site/chat manager uses this information to present to other users, those that are currently in chat sessions and those that are not. Based on the demographic and interest characteristics of the initiating user, other users decide whether to consent to a chat session with the initiating user. If consenting users of different sessions would like

to chat, the appropriate chat session is identified by prompting the user to choose or other alternatives such as a tie breaking scheme. However, if other users that are not currently in sessions consent to a session with the initiating user, a chat session is formed for the initiating user and the consenting users (column 4, lines 53-67, column 5, lines 3-11, 15-20, column 8, lines 24-50). Therefore, Porter explicitly discloses, "identifying from a pool of current communication sessions, an appropriate session for the communication requested."

(b) Porter teaches the initiating user describing other visiting user with whom the user is interested in chatting. The initiating user specifies a number of demographic and interest characteristics. This information is presented to other users. Based on this information, users decide whether they would like to consent to chat with the initiating user. Those users in current sessions that consent are considered to be in appropriate sessions for the initiating user (column 4, lines 60-66, column 5, lines 1-5, column 8, lines 34-45). Therefore, Porter clearly discloses, "processing a communication request...on the basis of information associated with the request...an appropriate session for the communication requested."

(c) Porter teaches identifying the consenting users wanting to chat with the initiating user. Of the consenting user, current chat participants and non-chat participants are known. A chat session is established for the initiating user and the consenting user (column 6, 23-35, column 8, lines 37-38, 46-48). Therefore, Porter undoubtedly discloses, "identifying...a specific party and associated endpoint system to join the session identified or created."

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

July 20, 2005

  
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